

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

**Case No:** \_\_\_\_\_

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Eden Homeowners Association, Inc.,

Plaintiff,

vs.

American Family Mutual Insurance Company,

Defendant.

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**NOTICE OF REMOVAL**

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To: PLAINTIFF ABOVE-NAMED THROUGH ITS COUNSEL OF RECORD, ANTHONY T. SMITH AND FINN S. JACOBSEN, OF ROEDER, SMITH & JADIN, PLLC, 7900 XERXES AVE S, BLOOMINGTON, MN 55427.

Pursuant to 28 U.S.C. §§ 1332, 1441, 1446, Defendant American Family Mutual Insurance Company (American Family) hereby gives notice of the removal of the above-captioned action to the United States District Court for the District of Minnesota, and in support of the Notice of Removal states as Follows:

1. Plaintiff Eden Homeowners Association, Inc. commenced an action against American Family, by service of a Motion to Confirm the Appraisal Award, entitled *Eden Homeowners Association v. American Family Mutual Insurance Company*, Dakota County District Court File No. 19HA-CV-15-2766 (“the State Action”).

2. The Motion to Confirm the Appraisal Award in the State Action was served on August 4, 2014 and filed in Dakota County District Court on August 4, 2015. Copies

of all process, pleadings, and orders served on Defendant in the State Action are attached to this Notice of Removal.

3. The United States District Court for the District of Minnesota has original jurisdiction over this action pursuant to 28 U.S.C. §§ 1332(a)(1) and 1441 because the matter in controversy is between citizens of different states and the amount in controversy exceeds the sum of \$75,000 exclusive of interest and costs.

4. Plaintiff is a non-profit corporation incorporated in Minnesota and with a principal place of business in Minnesota. Plaintiff is a citizen of Minnesota.

5. Defendant is a mutual insurance company incorporated in Wisconsin and with a principal place of business in Wisconsin. Defendant is a citizen of Wisconsin.

6. According to the Memorandum of Law in Support of Plaintiff's Motion to Confirm the Appraisal Award in the State Action, Plaintiff is seeking damages related to alleged property damage in excess of \$75,000.

7. This Notice of Removal is timely under 28 U.S.C. § 1446(b) because it was filed within 30 days after service of the Summons and Complaint on Defendant.

8. The United States District Court for the District of Minnesota is the District Court for the district embracing the entire state of Minnesota, where the State Action is currently pending. *See* U.S.C. § 103. Venue is therefore proper in this district pursuant to 28 U.S.C. § 1446(d).

9. According to 28 U.S.C. § 1446(d), written notice of the filing of this Notice of Removal will be given to Plaintiff and will be filed with the Court Administrator for

Dakota County District Court, First Judicial District, following the filing of this notice, together with a Notice of Filing of Notice of Removal.

10. Defendant has filed a Civil Cover Sheet and paid the required filing fee.
11. Defendant has good and sufficient defense to this action.
12. Defendant makes no admission of liability by the Notice and expressly reserves the rights to raise all defenses and objections to Plaintiff's claims after the action is removed to the United States District Court for the District of Minnesota, including, without limitation, any objections to the merits and sufficiency of Plaintiff's pleadings.

WHEREFORE, Defendant requests that the State Action, now pending in Dakota County District Court, First Judicial District in the State of Minnesota, be removed to the United States District Court for the District of Minnesota.

Dated: September 3, 2015

s/ Mark K. Hellie

Mark K. Hellie

MN Attorney ID #0346251

Attorney for American Family

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